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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Austria, Australia, Canada, Czech Republic, Denmark, Estonia, Hungary, Ireland, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Uzbekistan

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various international treaties in this field,

Mindful that Uzbekistan is a party to the International Covenant on Civil and Political Rights,[1] the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment,[2] the International Covenant on Economic, Social and Cultural Rights,[1] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and International Labour Organization Convention No. 105 concerning the Abolition of Forced Labour,

Deeply concerned by the denial of an independent international investigation into the events that occurred in Andijan in May 2005, the subsequent response of the Uzbek authorities, including pressure on neighbouring countries to forcibly return

[1] Resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.

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Uzbek asylum-seekers and refugees, and the continued deterioration of the overall human rights situation in Uzbekistan,

1. *Welcomes*:

(a) The high-level talks of the Government of Uzbekistan with the new Special Representative of the European Union for Central Asia, the sharing of the Uzbek report on Andijan with European Union member States and the agreement to a separate meeting to discuss the events in Andijan, and hopes that a real, constructive dialogue on human rights issues will take place soon;

(b) The statement made by the President of Uzbekistan on 28 January 2005, in which he expressed, inter alia, the intention to provide for true independence of the judiciary, and the subsequent preparation of legislation to support the practical independence of the judiciary, as outlined by the President;

(c) The decree of the President on 1 August 2005 that the death penalty shall be abolished in Uzbekistan as of 1 January 2008 and the subsequent preparation of legislation to implement this decree;

(d) The steps, albeit limited, taken to date to implement the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, including the Uzbek authorities' National Action Plan on Torture, the definition of torture by the Supreme Court[6] in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[2] and the amendment of the Criminal Code to include torture as a punishable crime;

2. *Expresses its grave concern* at the serious and continuing human rights violations occurring in Uzbekistan, in particular the following:

(a) Credible eyewitness reports in 2005 of indiscriminate and disproportionate force used by government troops to quell demonstrations in Andijan in May 2005, resulting in the death of many civilians;

(b) Detention of the representatives of local non-governmental organizations to prevent observation of the trials of Andijan suspects, and the subsequent closed trials of approximately 266 defendants;

(c) Harassment and detention of the members of non-governmental organizations and civil society, including human rights defenders, and in particular the closure of at least 200 non-governmental organizations since the May 2005 events in Andijan, as well as of foreign non-governmental organizations and international organizations such as the Office of the United Nations High Commissioner for Refugees in Tashkent;

(d) Reports of arbitrary arrest and detention, including of eyewitnesses to the events in Andijan, journalists and human rights defenders;

(e) The prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein and increasing restrictions on freedom of expression, particularly harassment, beatings, arrests and threats made against journalists, human rights defenders and civil society activists;

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[6] Embassy of Uzbekistan to the United States, press release (Government of Uzbekistan, 26 December 2005). Available from http://www.uzbekistan.org/press/archive/321.

(f) Continued refusal to permit the registration of opposition political parties, and their consequent inability to participate in the electoral process;

(g) An increasing pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought, conscience and religion, including through the refusal to register certain religious communities, and police raids against and deportations of members of registered and unregistered religious communities;

(h) Continued restriction of access of international monitors to places of detention;

(i) Committing human rights activists to psychiatric wards and forcing them to take behaviour-modification medications;

(j) Reports of the use of forced labour, including of children;

3. *Deeply regrets*:

(a) The decision of the Government of Uzbekistan to reject both the repeated calls of the United Nations High Commissioner for Human Rights for an independent commission of inquiry into the events in Andijan on 13 May 2005 and the requests of the special rapporteurs of the Human Rights Council, including the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Uzbekistan;

(b) The continued lack of response to General Assembly resolution 60/174;

(c) The political and economic pressure applied by the Government of Uzbekistan on other Governments to prevent citizens of Uzbekistan who have been recognized as refugees by the Office of the United Nations High Commissioner for Refugees, within its mandate, from travelling to a third country;

4. *Strongly calls upon* the Government of Uzbekistan:

(a) To implement fully without any delay the recommendations of the report of the mission of the Office of the United Nations High Commissioner for Human Rights to Kyrgyzstan in June 2005,[7] most notably by granting permission for an international commission of inquiry into the events in Andijan;

(b) To accede to and abide by the 1951 Convention relating to the Status of Refugees[8] and the 1967 Protocol thereto,[9] and otherwise cooperate with the Office of the United Nations High Commissioner for Refugees;

(c) To end the harassment and detention of journalists and members of civil society, including human rights defenders, including their forced incarceration in psychiatric wards;

(d) To ensure fair trials, including fulfilling the recommendations of the Office for Democratic Institutions and Human Rights of the Organization for

[7] E/CN.4/2006/119.

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

Security and Cooperation in Europe in its report on the trials of persons accused in relation to the events in Andijan;[10]

(e) To ensure full respect for all human rights and fundamental freedoms, and in this regard, implement fully the recommendations[11] of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights, and to extend full cooperation to the newly appointed independent expert;

(f) To amend legislation on religious organizations to permit the full freedom of thought, conscience and religion;

(g) To implement fully the recommendations of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment prepared following his visit to Uzbekistan from 24 November to 6 December 2002,[12] and to incorporate the Supreme Court definition of torture into the criminal code;

(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all United Nations human rights mechanisms, including the special procedures of the Human Rights Council;

(i) To implement fully the commitments undertaken within the framework of the Organization for Security and Cooperation in Europe and to cooperate with its institutions, including its project office in Tashkent;

(j) To register independent opposition political parties and allow them to participate in the electoral process;

(k) To lift restrictions on the activities of civil society, including non-governmental organizations, private enterprises, especially small enterprises, and international organizations;

(l) To protect freedom of expression for all, including journalists, including those who write articles opposing Government policy, in line with the President's past appeals for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

(m) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment, and to withdraw all measures that restrict their freedom of assembly and expression or that hinder them from carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;[13]

(n) To follow all recommendations and provide regular information under International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and International Labour Organization Convention No. 105

[10] "Report from the OSCE/ODIHR trial monitoring in Uzbekistan, September-October 2005" (Organization for Security and Cooperation in Europe, Warsaw, 2006).

[11] See E/CN.4/2005/103, sect. V.

[12] E/CN.4/2003/68/Add.2, annex.

[13] Resolution 53/144, annex.

concerning the Abolition of Forced Labour, and to consider ratifying International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(o) To implement fully its obligations under the Vienna Convention on Diplomatic Relations[14] with respect to the free movement of diplomatic personnel to, from and within Uzbekistan and the regular conduct of diplomatic affairs and operations as contemplated in that Convention;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session.

[14] United Nations, *Treaty Series*, vol. 500, No. 7310.